

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

APR 13 2017

JULIA C. DUDLEY, CLERK
BY: *H. McDonald*
DEPUTY CLERK

ORLANDO HARVEY,

Petitioner,

v.

HAROLD W. CLARKE,

Respondent.

) CASE NO. 7:16CV00131
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ORDER

By: Hon. Jackson L. Kiser
Senior United States District Judge

In accordance with the Memorandum Opinion entered this day, it is hereby **ORDERED** and **ADJUDGED** that the motion to dismiss (ECF No. 15) is **GRANTED**, the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED**, and the clerk shall **STRIKE** this action from the active docket of the court.

Further, finding that petitioner has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

ENTER: This 13th day of April, 2016.

Jackson L. Kiser
Senior United States District Judge